

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 22-11025-RGS

CURTIS HOWELL

v.

PLANET FITNESS, BOSTON POLICE DEPARTMENT, DEPARTMENT OF  
JUSTICE [F.T.C, F.B.I.], SUFFOLK COUNTY DISTRICT ATTORNEY and  
VERIZON

ORDER

August 16, 2022

On July 29, 2022, the court granted plaintiff leave to proceed *in forma pauperis* and advised him that his complaint is subject to dismissal pursuant to 28 U.S.C. § 1915 (e)(2). Dkt. No. 5. The court's Memorandum and Order outlined the legal impediments to plaintiff's claims, including the failure comply with the pleading requirements of the Federal Rules of Civil Procedure, the Boston Police Department is not a suable entity pursuant to 42 U.S.C. § 1983, Verizon and Planet Fitness are not state actors subject to suit pursuant to 42 U.S.C. § 1983, and that the Department of Justice, as a federal agency, is not a proper party in an action pursuant to *Bivens v. Six Unknown Fed. Narcotics Agents*, 403 U.S. 388 (1971). *Id.* Plaintiff was directed to file an amended complaint curing the pleading deficiencies. *Id.*

Plaintiff was informed that an amended complaint completely replaces the original complaint and must stand on its own. *Id.*

On August 12, 2022, plaintiff filed a notice of objections, Dkt. No. 11. Although the notice of objections was filed in the instant action, the body of the pleading references cases other than the instant action. *Id.* Therefore, there is no action to be taken by this court in this action.

On August 12, 2022, plaintiff also filed an amended complaint. Dkt. No. 12. Three days later, on August 15, 2022, plaintiff filed a document that consists of five unsigned “amended” complaints. Dkt. No. 13.

As to the amended complaint, a close examination reveals that it is an exact duplicate of the original, typewritten complaint, except that Howell signed the amended complaint on August 10, 2022, and wrote “amended” to change the title of the pleading from “complaint” to “amended complaint.” Dkt. No. 12. Because the first amended complaint is a duplicate of the original complaint, it has not cured the pleading deficiencies of the original complaint.

Plaintiff also filed an 11-page document that consists of five unsigned “amended” complaints. Dkt. No. 13. Although this document does not contain a case number, the case name for the instant action appears at the top of the first page of the document as “Curtis Howell v. Planet Fitness,

Boston Police Department, Boston Public Library, Dept of Justice Verizon, et al.” *Id.* The case captions for these purported “amended” complaints leave the lines for each defendant blank. *Id.*

The court finds that the amended complaint and the purported “amended” complaints are insufficient to permit this action to proceed, and no further opportunity to amend or show cause is necessary. Although the plaintiff recounts events surrounding his contact with the defendants, the amended pleadings fail to establish a violation of any of the numerous statutes referenced by plaintiff.

Accordingly, this case is DISMISSED pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to comply with the court’s directives as contained in the Memorandum and Order (Dkt. No. 5) and for all of the substantive reasons discussed therein.

SO ORDERED.

/s/ Richard G. Stearns  
UNITED STATES DISTRICT JUDGE